

In re Application of:
Harry C. Dietz
Application No.: 09/163,289
Filed: September 29, 1998
Page 4

PATENT
Attorney Docket No.: JHU1400-1

REMARKS/ARGUMENTS

Applicant thanks Examiner Schultz for the telephonic Interview on January 24, 2005. By the present communication, claims 1-13 have been canceled without prejudice, preserving Applicant's right to pursue the canceled subject matter in a continuing application. Claims 15 and 16 have been amended as set forth in the above "Listing of the Claims," and new claims 17-25 have been added.

As indicated by the Examiner in the Advisory Action, claims 15 and 16 are considered allowable for reasons of record. Applicant has amended claims 15 to incorporate the limitations of the claims from which it depends. As discussed with the Examiner, claim 16 has been amended to include the limitation "comprising the sequence as set forth in SEQ ID NO: 3." The original limitations of claim 1 were deemed redundant since SEQ ID NO: 3 inherently includes those limitations (as is evident from FIG. 1 of the Specification). The amendments do not raise any issues of new matter and the amended claims do not present new issues requiring further consideration or search. Applicant has added new claims 17-25 dependent from claim 16 to further define the invention. Support for the added claims may be found throughout the specification and original claims as filed. Thus, upon entry of the present amendment, claims 15-25 will be pending and in condition for allowance.

Rejection Under 35 U.S.C. § 102

Applicant respectfully traverses the rejection of claims 1-13 under 35 U.S.C. 102(a) as allegedly being anticipated by Michienzi et al. (hereinafter "Michienzi"). However, to reduce the issues and place the application in condition for allowance, Applicant has canceled claims 1-13 with the intent to pursue the canceled subject matter in a continuing application, rendering the rejection moot. Withdrawal is respectfully requested.

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Page 5

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CONCLUSION

In view of the amendments and above remarks, it is submitted that the claims are in condition for allowance, and a notice to that effect is respectfully requested. If the Examiner would like to discuss any of the issues raised in the Advisory Action, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved.

Enclosed is Check No. 573602 in the amount of \$1,475.00 (\$395.00 for the RCE filing fee, and \$1,080.00 for the Five (5) Months Extension of Time fee). The Commissioner is hereby authorized to charge for any additional required fees, or credit any overpayments to Deposit Account No. 07-1896.

Respectfully submitted,

Date: January 24, 2005


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